

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*Broward County, Florida v. Purdue Pharma
L.P.*, No. 18-op-45332

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**THE MANUFACTURER DEFENDANTS' JOINT MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Manufacturer Defendants¹ move this Court to dismiss all claims asserted against them in Plaintiff's Second Amended Complaint for failure to state a claim upon which relief can be granted. This Motion will be supported by the pleadings, the record, a Memorandum of Law in Support of the Manufacturer Defendants' Joint Motion to Dismiss Plaintiffs' Second Amended Complaint, which is filed contemporaneously herewith and incorporated herein by reference, oral argument, and any other evidence requested or permitted by the Court.

¹ This motion incorporates the definition of "Manufacturer Defendants" set forth in the *Summit* MTD at 1 n.2. Defendant Noramco, Inc., a company referenced in the 2AC as a former affiliate of Janssen (*see* 2AC ¶ 55), joins in this Motion to the extent applicable. Noramco does not (and did not at all material times relevant hereto) manufacture, package, brand, market, distribute, or sell the finished drug products at issue in this litigation, and it reserves all rights and defenses specific to it. Conversely, although the arguments raised herein apply equally to Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc, these parties do not join this Motion for the same reasons stated in the *Summit* MTD at 1 n.2. Similarly, the arguments also apply to recently named SpecGX LLC, Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc., but those entities have not yet been served in this action (but intend to join the motion at the appropriate time).

WHEREFORE, the Manufacturer Defendants respectfully request that the Court grant their Motion in its entirety and dismiss all of Plaintiffs' claims against them with prejudice.

Dated: June 8, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th of June, 2018, I electronically filed the forgoing with the Clerk of the Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF systems.

Dated: June 8, 2018

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